

Agenda

Environmental Protection Commission

December 21, 1998

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Agenda topics

1. Approve Agenda
2. Approve Minutes of November 16, 1998
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Notice of Intended Action--Chapter 209, Landfill Alternatives Financial Assistance Program Roya Stanley (Decision)
6. Monthly Reports Allan Stokes (Information)
7. Section 319 Nonpoint Source Pollution Control Projects Contracts Allan Stokes (Decision)
8. Section 319 Nonpoint Source Pollution Control Project - ISU GIS Allan Stokes (Decision)
9. Water Supply Technical Assistance Grants Allan Stokes (Decision)
10. FY2000 - Grants to Counties Allan Stokes (Decision)
11. Agreement with Iowa Waste Reduction Center Allan Stokes (Decision)
12. Final Rule--Chapter 12, Environmental Self Audits Allan Stokes (Decision)
13. Water Quality Standards - Triennial Review Allan Stokes (Information)
14. Referrals to Attorney General Allan Stokes (Decision)
 - a. Roy E. Hawkins (Jasper County)
 - b. Ken Frese (Keokuk County)
15. General Discussion
16. Address Items for Next Meeting

Next Meeting Dates

January 19, 1999 (Tuesday)
February 15, 1999
March 15, 1999

ENVIRONMENTAL PROTECTION COMMISSION

December 21, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Karen Nachtman	Iowa Assoc. of Municipal Utilities	Ankeny
DAN VEST	GRUWICK, INC.	Bloomington, IL
Andrea Fogue	IA League of Cities	DSM
BDD	IWPCA	DSM
MARK Dickey	IA River Wks Assoc.	DSM
R Drapel	LFB	DSM
Helen F Mahler	Sierra Club	DSM
Ferry Beeman	DM Register	DM
Hal Morton	DMCRSWC	Burlington
Rick Kelly	UHL	DSM
Jane McAllister	Ahlers Law Firm	DSM
Scott Smith	ABI	DSM
Robert Mars	IWPCA	Newport
Chris Gault	Farm Bureau	DSM
Paul Jenner		Breda
DEB Fox	Fox Bldg.	Ames
Tan Neumann	IWPCA	Ames

RECORD COPY *EPC Meeting*
File Name *ADM-1-1-1 December*
Scribers Initials *JL.* *1998*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

DECEMBER 21, 1998

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice-Chairman Townsend at 10:03 a.m. on Monday, December 21, 1998, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm, Chair (arrived 10:08 a.m.)
Randal Giannetto (arrived at 10:40 a.m.)
Rozanne King
Dean McWilliams
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

Charlotte Mohr, Secretary
Kathryn Murphy

Commissioner Murphy phoned to say she has a conflict and will not be present today, and Charlotte Mohr called and said the roads in her area were very icy and she would not be able to attend the meeting.

Randall Giannetto phoned to say he will arrive late to the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item 14A - Roy E. Hawkins Referral to Attorney General

Vice-Chairman Townsend reported that the Ken Frese case had been settled and should therefore be deleted from the agenda.

Motion was made by Dean McWilliams to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Rozanne King noted that the second page of the Table of Contents was missing. The original minutes contained that page and it was noted that a copy will be sent to the Commission.

Motion was made by Dean McWilliams to approve the meeting minutes of November 16, 1998, with the addition of page 2 of the TOC. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED
FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Staff will present a budget status report focusing on division-level and program expenditures as compared to the budget as of 11/30/98. The financial schedules will be provided to the commission when the item is presented, or earlier if possible.

**Monthly Operations Budget Status Report
11/30/98**

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed.	542,373	607,140	221,989	222,585	(596)
Administrative Services Div.	5,590,432	5,971,145	2,238,112	2,085,620	152,492
Parks, Rec. & Preserves Div.	9,521,821	9,711,335	4,014,458	4,212,714	(198,256)
Forests & Forestry Division	2,861,695	3,001,789	1,139,285	1,134,481	4,804
Energy & Geo. Res. Division	3,797,839	5,089,947	1,774,634	1,283,526	491,108
EPD Division	19,274,861	23,041,022	8,085,205	7,295,818	789,387
FW Division	20,296,709	21,412,680	8,091,832	8,066,965	24,867
Waste Mngt Assistance Div.	1,524,107	1,596,944	561,645	464,906	96,739
	63,409,837	70,432,002	26,127,161	24,766,615	1,360,546

Director's Office/ Information & Education

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
<u>Director's Office & Commissions</u>	324,358	286,970	104,777	134,643	(29,866)
Permit Compliance Team	150,082	180,494	66,949	64,994	1,955
REAP Program	43,583	40,000	13,344	8,298	5,046
Policy Coordination	24,350	99,676	36,919	14,650	22,269
Total Director's Office	542,373	607,140	221,989	222,585	(596)

Information & Education Bureau

I&E General Operations	468,958	495,622	179,602	181,650	(2,048)
Conservationist Magazine	314,335	389,372	138,169	139,992	(1,823)
Education Center Programs	177,629	202,238	74,095	70,277	3,818
Aquatic Education	274,745	292,685	103,969	86,649	17,320
Fish and Wildlife Information	23,300	13,111	4,872	3,139	1,733
Energy Information	44,341	73,684	26,820	19,115	7,705
Groundwater Education	3,800	1,274	495	1,563	(1,068)
Waste Mngt Information	0	37,668	13,997	8,204	5,793
319 Planning Information	12,755	41,930	15,528	21,410	(5,882)

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Air Quality Title 5 Information	31,898	48,003	17,798	18,665	(867)
Education Workshops	4,442	8,000	2,424	3,762	(1,338)
Outdoor Learning	5,143	0	0	617	(617)
Hooked on Fishing	66	0	0	0	0
Total I & E Bureau	1,361,412	1,603,587	577,769	555,043	22,726
Total Director's Office/Info & Ed.	1,903,785	2,210,727	799,758	777,628	22,130

Administratives Services Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
State Central Services & Indirect	96,865	100,943	100,885	105,310	(4,425)
Budget and Finance Bureau	1,150,742	1,213,845	425,234	392,968	32,266
Administrative Services Bureau	1,395,968	1,548,590	567,366	482,310	85,056
Central Data Processing Bureau	874,571	824,278	303,178	318,582	(15,404)
Licensing Bureau	379,463	478,004	171,321	144,953	26,368
Construction Services Bureau	1,013,715	1,073,769	397,665	398,634	(969)
CSB-Park Road Design	87,484	59,464	22,097	23,290	(1,193)
Land Acquisition & Mngt Bureau	486,363	517,255	192,339	179,569	12,770
Division Mngt & Misc.	105,261	118,119	43,634	40,004	3,630
Special Training & Technology	0	36,878	14,394	0	14,394
Total Administrative Services Div.	5,590,432	5,971,145	2,238,112	2,085,620	152,492

Parks, Recreation and Preserves Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Parks Field Management	266,795	254,297	93,002	120,129	(27,127)
NW District Parks Operations	1,996,471	2,015,574	855,835	894,422	(38,587)
NE District Parks Operations	1,871,776	1,885,260	799,718	804,662	(4,944)
SE District Parks Operations	2,211,805	2,247,503	955,064	1,013,467	(58,403)
SW District Parks Operations	2,015,040	2,036,581	865,355	864,600	755
Parks & Preserves Programs & Mngt	703,158	697,020	255,581	274,965	(19,384)
Endangered Species Grants	6,000	32,000	9,600	5,259	4,341
Preserves Grants	8,000	16,000	4,800	0	4,800
DED Parks Grants	35,868	30,000	11,065	20,635	(9,570)
DED Trails	4,272	38,770	14,554	24,269	(9,715)
Trail Development Grants	35,580	3,282	1,220	7,463	(6,243)
Total Development Grants	75,720	72,052	26,839	52,367	(25,528)
Cedar Rock	146,968	140,166	59,667	64,642	(4,975)
Division Management & Misc.	136,440	129,113	47,125	59,260	(12,135)
Special IT Project	0	38,717	15,034	0	15,034
SRF Loan Repayment	7,928	75,000	0	6,574	(6,574)
Total Parks, Rec. & Preserves Div.	9,521,821	9,711,335	4,014,458	4,212,714	(198,256)

Forests & Forestry Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Forest Nursery Production	562,259	560,769	202,788	266,330	(63,542)
Forest Nursery Services	94,367	102,752	38,194	34,512	3,682
Shimek Forest	217,374	239,187	97,305	86,480	10,825
Stephens Forest	179,317	180,692	74,032	70,185	3,847
Yellow River Forest	235,513	255,706	103,624	85,308	18,316
Loess Hills Forest	171,520	170,027	68,104	90,786	(22,682)
Nursery & Forests Management	144,754	160,823	59,892	50,426	9,466
Farm Forestry Services	765,351	835,555	312,933	283,563	29,370
Trees For Kids Video	11,642	0	0	160	(160)
Trees For Kids Project	34,974	30,000	10,440	1,085	9,355
Forestry Services Management	331,063	311,136	115,749	121,341	(5,592)
Division Management	113,561	129,700	48,375	44,305	4,070
Special IT Project	0	25,442	7,849	0	7,849
Total Forests & Forestry Division	2,861,695	3,001,789	1,139,285	1,134,481	4,804

Energy & Geological Resources Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Energy Bureau:					
Biomass	79,721	77,937	28,732	27,475	1,257
SIFIC A	49,169	60,394	22,320	16,908	5,412
SIFIC B	66,309	54,088	20,058	14,599	5,459
SIFIC Innovation Project	73,460	99,200	36,834	6,671	30,163
State Energy Program	537,322	596,958	220,740	208,954	11,786
SEP Industrial Technology	0	80,000	24,000	0	24,000
SEP Bldg Code #2	0	48,545	15,445	4,246	11,199
SEP FEMP 2	0	264,523	86,907	26,686	60,221
Soya Diesel	22,456	80,000	24,000	0	24,000
Building Code, Energy	3,000	8,000	2,400	4,350	(1,950)
Heating Oil & Propane Program	14,426	23,820	8,101	5,680	2,421
Energy Advancement	44,554	29,028	10,404	19,258	(8,854)
Greenhouse Gas	0	23,402	7,021	0	7,021
Greenhouse Gas #3	0	75,000	22,500	0	22,500
Federal Energy Bank	69,339	4,354	1,306	0	1,306
Energy/Education Study	28,363	19,389	5,817	16,073	(10,256)
Ethanol Seminar, Council of Gov's.	21,877	50,000	15,000	0	15,000
Oil Overcharge - 3 Admin	198,502	229,316	83,835	54,592	29,243
EPA Risk Assessment Project	25,053	7,421	2,226	0	2,226
Rebuild Iowa	141,632	87,089	28,038	28,789	(751)
Rebuilding Iowa #2	0	98,426	31,007	4,814	26,193
SEP ENG Code	23,438	168,035	51,827	37,077	14,750
Federal Energy Mngt Program	31,194	59,996	17,999	4,947	13,052
Commercial Wind Energy	38,003	172,409	51,723	54,646	(2,923)
Wind Assessment	1,343	0	0	0	0
SEP Climate Wise	23,000	27,000	8,100	0	8,100
Ethanol Market Research	53,280	0	0	0	0
Total Energy Bureau	1,545,441	2,444,330	826,340	535,765	290,575
Geology Bureau:					
Camp Dodge GIS Support	0	21,445	7,955	3,300	4,655
Camp Dodge Wetland	3,297	4,420	1,538	42	1,496
Camp Dodge Mapping	18,044	36,290	12,717	3,835	8,882
Floyd Cty ADW Project	12,663	16,699	5,830	12,994	(7,164)
Geology/Mineral Resources	369,792	426,707	157,730	130,963	26,767
Digital Mapping	100,132	19,386	6,864	16,308	(9,444)
Digital Survey	49,415	0	0	0	0
Wright Cty Monitoring	0	27,926	9,968	1,600	8,368
Hydrology/Environment	465,206	456,251	169,312	157,125	12,187
Livestock Regulation	0	76,001	28,242	13,930	14,312
State Mapping	31,342	149,367	53,108	46,790	6,318
SORC Water Reporting	0	0	0	242	(242)
Pesticide Mngt Project	28,442	35,756	13,258	12,958	300
Geology Information	232,408	246,497	91,613	62,615	28,998
Wellhead Protection	0	13,000	4,831	4,650	181
Big Springs Project	29,179	38,879	12,616	16,735	(4,119)
Geographical Info System	134,610	190,375	70,907	70,958	(51)
319 Planning - 91	24,092	21,164	7,258	1,717	5,541
319 Planning - 93	124,557	184,575	60,312	37,579	22,733
Walnut Creek Restoration	109,055	118,079	37,249	21,941	15,308
Wellhead Protection, EPA	52,139	59,934	21,302	30,651	(9,349)
USGS Coop. Agreement	155,492	156,154	46,846	0	46,846
Geology Bureau Mngt	216,821	234,159	86,945	64,615	22,330
Total Geology Bureau	2,156,686	2,533,064	906,402	711,548	194,854
Special Technology Initiative	0	10,826	4,287	0	4,287
Energy & Geological Div Mngt	95,712	101,727	37,604	36,213	1,391
Total Energy & Geological Resources Division	3,797,839	5,089,947	1,774,634	1,283,526	491,108

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Environmental Protection Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Water Quality Bureau:					
Wastewater (NPDES) Mngt	698,887	812,628	290,048	249,181	40,867
Storm Water Permitting	196,068	217,508	80,198	75,791	4,407
Livestock Permits (C. Office)	334,331	315,029	116,841	153,625	(36,784)
State Revolving Grant Mngt	253,525	389,594	144,292	120,141	24,151
GW County Grants Mngt	60,555	53,853	19,607	16,272	3,335
Water Monitoring Workshop	1,812	0	0	0	0
Streamflow Statistics Report	12,745	13,470	4,077	0	4,077
Data Design	0	42,105	12,632	0	12,632
GIS Locational Data	3,135	15,250	5,667	4,469	1,198
604B Water Planning	177,522	186,227	68,889	72,859	(3,970)
Floodplain Reg & Mngt(SW)	0	101,800	37,823	0	37,823
Floodplain Reg & Mngt(GF)	358,733	324,737	120,642	115,554	5,088
319 Water Planning-91	25,109	0	0	0	0
319 Water Planning-92	94,707	50,000	15,000	69,664	(54,664)
319 Water Planning-93	115,336	185,000	55,500	20,250	35,250
319 Water Planning-94	301,466	200,000	60,000	56,612	3,388
319 Water Planning-95	417,223	200,000	60,000	83,073	(23,073)
319 Water Planning-96	483,501	538,253	185,412	199,802	(14,390)
319 Water Planning-97	180,379	205,151	61,793	78,698	(16,905)
319 Water Planning-98	0	100,000	30,000	15,000	15,000
Total 319 Water Planning	1,617,721	1,478,404	467,705	523,099	(55,394)
Water Supply Regulation	967,609	1,184,899	429,099	420,306	8,793
Water Rights Administration	137,682	147,844	54,920	51,516	3,404
Operator Certification Support	42,109	104,540	33,483	19,940	13,543
SRF Drinking Water Source	0	350,556	120,775	2,564	118,211
SRF Drinking Water Admin	0	78,776	29,036	7,272	21,764
SRF Drinking Water Tech	0	100,650	30,226	0	30,226
Well Contractor Permits	38,063	42,853	15,623	14,652	971
Public Wtr Supply Trng	0	10,000	3,000	0	3,000
Water Supply - Flood	12,000	0	0	0	0
Lab Certification	156,659	102,500	30,875	33,775	(2,900)
Stream Watershed Assessment	38,309	820	297	640	(343)
Total Water Quality	6,725,186	7,552,447	2,583,460	2,404,755	178,705
Air Quality Bureau:					
Air Quality Regulation & Planning	1,989,969	1,865,725	654,943	551,002	103,941
Air PM 2.5 Monitoring	107,407	544,105	166,128	266,469	(100,341)
Title V, Permitting, Enforcement	3,471,625	4,873,474	1,662,162	1,347,966	314,196
Total Air Quality Bureau	5,569,001	7,283,304	2,483,234	2,165,437	317,797
Land Quality Bureau:					
Waste Management	520,591	655,015	241,797	195,847	45,950
Solid Waste Authorization	52,304	63,473	23,397	18,572	4,825
GW Professional Registration	23,466	36,053	12,528	13,598	(1,070)
UST	225,783	297,868	109,086	97,685	11,401
LUST Cleanup	562,038	759,654	279,010	209,686	69,324
Hazardous Waste Sitting	58,061	164,675	59,321	48,168	11,153
Remedial Activity	24,087	82,120	29,676	12,096	17,580
AIDEX Monitoring	37	5,000	1,648	3,559	(1,911)
Superfund Program Management	176,203	192,821	71,220	72,443	(1,223)
Multisite, Investigation & Assess.	125,501	74,976	26,033	35,211	(9,178)
General Motors Site Mngt	30,228	55,626	20,618	9,595	11,023
Waste Tire Permitting	1,507	1,000	372	545	(173)
Emergency Response	183,286	215,899	79,981	70,197	9,784
LUST Field Support	0	0	0	136,952	(136,952)
BrownFields Initiative	1,271	0	0	0	0
BrownFields Development	97,586	0	0	0	0
Total Land Quality Bureau	2,081,949	2,604,180	954,687	924,154	30,533

Legal & Compliance Bureau:

LUST Cleanup	540,509	580,746	217,233	178,003	39,230
Air Quality-Field Const. & Mngt	135,901	187,394	69,664	61,528	8,136
Air Quality-Field Title 5	402,937	538,070	200,512	176,592	23,920
Wastewater-Field	1,405,022	1,505,466	542,383	453,284	89,099
Water Supply-Field	646,629	661,994	245,611	231,321	14,290
Waste Mngt-Groundwater	634,634	715,766	266,209	236,016	30,193
Water Supply Technical Asst.	160,186	203,445	75,816	51,598	24,218
Livestock-Field	314,278	509,168	191,127	152,917	38,210
Legal/Compliance Mngt	435,135	491,260	179,207	166,653	12,554
Total Legal & Compliance Bureau:	4,675,231	5,393,309	1,987,763	1,707,912	279,851
EPD Division Mngt & Misc	223,494	207,782	76,061	93,560	(17,499)
Totals, EPD Division	19,274,861	23,041,022	8,085,205	7,295,818	789,387

Fish and Wildlife Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Law Enforcement:					
NW Enforcement District	891,938	912,883	348,465	343,458	5,007
NW Enf. Boating Safety	28,697	25,900	9,038	11,057	(2,019)
NE Enforcement District	1,121,055	1,144,914	437,101	426,933	10,168
NE Enf. Boating Safety	13,482	11,500	4,002	3,557	445
SW Enforcement District	770,591	772,603	294,856	284,156	10,700
SW Enf. Boating Safety	23,800	6,800	2,366	1,344	1,022
SE Enforcement District	965,319	992,549	379,419	377,541	1,878
SE Enf. Boating Safety	12,440	16,000	5,568	14,118	(8,550)
NC Enforcement District	833,275	817,076	312,311	313,056	(745)
NC Enf. Boating Safety	17,662	16,700	5,812	9,636	(3,824)
SC Enforcement District	732,577	952,295	363,200	176,970	186,230
SC Enf. Boating Safety	241,243	52,120	20,084	184,859	(164,775)
Hunter Safety	410,608	360,787	132,671	165,544	(32,873)
Boating Safety	279,974	370,819	138,347	97,630	40,717
Snowmobile Safety	83,780	68,078	25,486	15,381	10,105
DPS AICO Grant	0	9,000	3,600	0	3,600
Big Creek Range Maint.	7,064	7,000	2,436	2,678	(242)
Boat Equipment Special	0	300,000	119,740	60,783	58,957
Cons. Law Bureau Mngt	223,941	448,401	166,410	162,719	3,691
Total Law Enforcement	6,657,446	7,285,425	2,770,913	2,651,420	119,493
Fisheries:					
Hatcheries:					
Big Springs Fish Hatchery	218,264	224,517	86,369	75,554	10,815
Decorah Fish Hatchery	260,875	264,654	100,889	87,664	13,225
Fairport Fish Hatchery	155,124	165,642	63,559	64,184	(625)
Manchester Fish Hatchery	256,660	265,704	101,868	96,847	5,021
Rathbun Fish Hatchery	492,310	524,418	194,144	240,800	(46,656)
Spirit Lake Fish Hatchery	361,034	383,650	142,436	145,306	(2,870)
Total Hatcheries	1,744,267	1,828,585	689,264	710,355	(21,091)
Fisheries Management:					
NW District	602,267	636,465	247,700	237,129	10,571
NE District	659,233	669,545	261,239	272,399	(11,160)
SW District	502,013	515,410	201,470	200,560	910
SE District	528,977	562,155	220,962	205,800	15,162
Total Fisheries Management	2,292,490	2,383,575	931,370	915,888	15,482
Fisheries Research:					
Mississippi Monitoring	328,018	344,744	133,815	116,043	17,772
Aquatic Education Project	151,318	101,479	39,803	52,514	(12,711)
Milfoil Project	65,286	80,927	29,183	12,557	16,626
Bellevue Fisheries Research	176,869	181,837	71,275	69,037	2,238
Chariton Fisheries Research	277,517	273,084	106,930	97,509	9,421
Cold Springs Fisheries Research	137,688	129,318	50,718	58,502	(7,784)
Bozeman Project	0	12,000	3,600	0	3,600

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Manchester Fisheries Research	126,578	128,728	50,444	59,903	(9,459)
Fish Production Drug Study	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	154,394	167,931	64,290	62,456	1,834
Spirit Lake Fisheries Research	144,384	138,177	54,501	62,242	(7,741)
MARIS Study	0	10,000	3,000	0	3,000
Total Fisheries Research	1,582,052	1,588,225	627,558	610,763	16,795
Fisheries Bureau Mngt	461,215	528,482	182,328	133,763	48,565
Total Fisheries Bureau	6,080,024	6,328,867	2,430,520	2,370,769	59,751

Wildlife Bureau:

Wildlife Area Maint. & Mngt:

NW District Operations	1,096,763	1,096,021	408,797	401,464	7,333
NE District Operations	1,009,561	1,011,560	378,295	380,999	(2,704)
SW District Operations	1,026,006	1,060,938	395,618	382,004	13,614
SE District Operations	1,200,085	1,267,609	473,384	483,612	(10,228)
Wetlands Project Support	15,317	1	0	0	0
Wildlife Area Maint. & Mngt	4,347,732	4,436,129	1,656,093	1,648,079	8,014

Corps WMA Areas, Cond. 5:

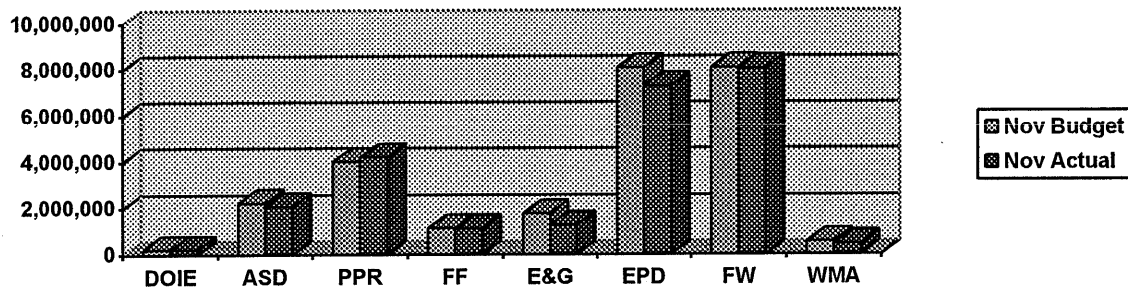
Saylorville Cond 5 WMA	44,719	36,603	13,684	15,008	(1,324)
DM River Cond 5 WMA	18,788	12,500	4,687	3,564	1,123
Missouri River Cond 5 WMA	0	4,000	1,392	1,348	44
Red Rock Cond 5 WMA	107,526	160,227	57,894	130,076	(72,182)
Coralville Cond 5 WMA	39,799	51,962	19,220	14,840	4,380
Riverton Cond 5 WMA	1,500	0	0	3,046	(3,046)
Rathbun Cond 5 WMA	39,030	30,153	11,225	13,703	(2,478)
Total Corps WMA Mngt	251,362	295,445	108,102	181,585	(73,483)
Total WMA Maint. & Mngt	4,599,094	4,731,574	1,764,195	1,829,664	(65,469)

Wildlife Research:

Boone Research, State	132,208	190,964	71,128	46,109	25,019
Boone Research, Federal	107,845	134,551	52,084	43,362	8,722
Chariton Research, State	56,451	77,478	30,306	33,026	(2,720)
Chariton Research, Federal	131,166	128,990	50,529	28,614	21,915
Clear Lake Research, Federal	169,898	144,004	56,518	49,590	6,928
Clear Lake Research, State	115,378	86,560	34,028	50,134	(16,106)
Wildlife Diversity Project	226,346	252,892	93,657	85,920	7,737
Harvest Information Program Grant	12,018	40,000	13,920	0	13,920
Total Wildlife Research	951,310	1,055,439	402,171	336,755	65,416
Prairie Seed Project	0	0	0	48,321	(48,321)
Wildlife Depredation Mngt	137,672	166,497	63,014	45,849	17,165
Wildlife Bureau Mngt & Misc	1,441,247	1,435,855	520,282	603,494	(83,212)
Total Wildlife Bureau	7,129,323	7,389,365	2,749,662	2,815,762	(66,100)
FW Division Mngt & Misc	429,916	409,023	140,737	180,693	(39,956)
Total FW Division	20,296,709	21,412,680	8,091,832	8,066,965	24,867

Waste Management Assistance Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	1,500	1,500	534	0	534
Planning & Grants	197,986	172,650	59,847	56,671	3,176
Landfill Alternatives	135,231	156,416	56,317	39,627	16,690
Waste Tires Program	44,427	54,438	20,011	17,160	2,851
Waste Recycling	277,330	289,774	101,364	88,061	13,303
Household Hazardous Waste Adm	225,297	266,668	90,116	62,537	27,579
Waste Reduction Assistance	122,153	159,303	57,956	43,887	14,069
PPIS Set Aside	0	26,470	8,252	0	8,252
Pollution Prevention (WRAP)	180,557	69,100	23,360	36,430	(13,070)
Pollution Prevention (WRAP)2	0	120,200	42,535	42	42,493
Waste Reduction Program	23,182	5,100	1,775	20,837	(19,062)
Solid Waste Reduction Grant	15,124	0	0	11,934	(11,934)
Collection Efficiency Project	0	15,000	4,500	0	4,500
Sustainable Conference	24,000	0	0	0	0
WMA Division Mngt	277,320	260,325	95,079	87,720	7,359
Waste Mngt Assistance Totals	1,524,107	1,596,944	561,645	464,906	96,739



Mr. Kuhn presented details of the budget status for each division.

Dean McWilliams mentioned that he heard Director Wilson being interviewed on WHO about electronic licensing. He asked why there is a \$100,000 increase in the License Bureau budget for 1999.

Mr. Kuhn replied that one FTE was moved from the Accounting Section into the License Section and there is also quite a bit of temporary help being used in the License Section. He related that the department is taking over the license outlets the county recorders used to handle and all of this adds to the budget. Discussion followed regarding electronic licensing and Mr. Kuhn explained procedures and various aspects of the electronic licensing system.

Chairman Ehm commented that he noticed a number of areas over-budget in the status report.

Mr. Kuhn explained how he does budget projections and related that some areas, such as equipment purchases or professional service contracts, are difficult to hit right on target. He added that in some areas there are a number of variations which affect the estimates. He noted that the Section 319 fund is a difficult area to deal with as it is not known exactly when expenditures will occur.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 209, LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action to amend Chapter 209, "Landfill Alternatives Financial Assistance Program", Iowa Administrative Code.

The Waste Management Assistance Division established a 26 member Advisory Committee in June to revise and update its Landfill Alternatives Financial Assistance Program to provide the

best and most responsive program. The Advisory Committee represents the Division's stakeholders, including business and industry, state agencies, solid waste organizations, non-profit organizations, educators, and local governments. A program focusing on best practices in pollution prevention and recycling, market development and education has been developed.

The Advisory Committee assisted in developing a revised format for accepting and reviewing proposals on a year round basis resulting in greater responsiveness to both public and private sector applicants. Tonnage diversion, sustainability, and transferability issues have been built into the proposal review process.

The Advisory Committee's involvement will not end with adoption of these proposed administrative rules. A team comprised of Department staff and volunteers from the Advisory Committee will review proposals. The Waste Management Assistance Division will also continue to seek committee members' input in evaluating the revised program.

At this time the Commission is requested to approve this Notice of Intended Action to amend Chapter 209, "Landfill Alternatives Financial Assistance Program", Iowa Administrative Code.

ENVIRONMENTAL PROTECTION COMMISSION Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B and 455E, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 209, "Landfill Alternatives Financial Assistance Program," Iowa Administrative Code.

These amendments are intended to update the existing financial assistance program to better meet today's solid waste management needs while developing an integrated financial assistance program with established investment objectives to provide the best possible service. An advisory committee was established to be a part of revising the current program by providing feedback and recommendations. The advisory committee consisted of numerous clients and stakeholders that utilize the program and would be impacted by any changes to the current program.

Any interested person may make written suggestions or comments on the proposed rule on or before February 17, 1999. Written comments should be directed to Thomas Anderson, Waste Management Assistance Division, Iowa Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-8895.

Also, there will be a public hearing on February 17, 1999, at 1:00p.m. in the Fifth Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code section 455B and 455E.

The following amendments are proposed.

ITEM 1. Amend rule 567—209 title (455B, 455E) as follows:

~~Landfill Alternatives Financial Assistance Program~~

Waste Management Alternatives Financial Assistance

ITEM 2. Amend rule 567—209.1(455B, 455E) as follows:

567--209.1(455B, 455E) Goal. The goal of this program is to reduce the amount of solid waste being generated and the amount of solid waste being landfilled through implementation of solid waste management projects. ~~This goal will be achieved utilizing the following hierarchy of waste management priorities in descending order of preference:~~

- ~~1. Waste reduction at the source;~~
- ~~2. Recycling and reuse;~~
- ~~3. Combustion with energy recovery; and~~
- ~~4. Combustion for volume reduction.~~

ITEM 3. Amend rule 567—209.2(455B, 455E) as follows:

567--209.2(455B, 455E) Purpose. The purpose of this program is to provide financial assistance to eligible applicants for the purpose of implementing ~~education programs and solid waste management~~ best practices, education and market development projects, to achieve a reduction in solid waste generation and a reduction in solid waste landfilling. ~~Projects receiving financial assistance must address the program's goal as described in 209.1(455B, 455E).~~ Emphasis for selected projects will be placed on tonnage avoided, sustainability, and replicability.

ITEM 4. Amend rule 567--209.3(455B, 455E) as follows:

567--209.3(455B, 455E) Definitions.

"Applicant" means any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa and is currently in compliance with all applicable department statutes and regulations.

"Cost-share" means applicant's share of proposed eligible project costs.

"Demonstration project" means any project that is innovative or new to the state of Iowa.

"Department" means the Iowa department of natural resources.

"Eligible costs" means costs directly related to the project and for which financial assistance moneys may be used.

"Eligible projects" means any project which when implemented, will ~~address a reduction in~~ reduce the amount of solid waste being generated or the amount of solid waste being landfilled.

~~"Energy recovery" means the direct conversion of solid wastes into useful process heat or electricity~~

"Financial assistance" means monetary assistance awarded under these rules to an applicant in the form of grants or loans.

"Forgivable loan" means financial assistance in the form of cash payments to recipients for reimbursement of eligible project expenses. Repayment of loan moneys awarded will be forgiven if the recipient has met all identified project goals, milestones and conditions identified

in the written agreement between the department and the recipient or as amended by written agreement.

~~"Grants" mean financial assistance in the form of cash payments to recipients.~~

"Groundwater protection act" means 1987 Iowa Acts, chapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides financial assistance for this protection.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Loans" means an award of financial assistance with the requirement that the award be repaid including interest as identified in the written agreement between the department and the recipient.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities, insurance, and rent.

"Pollution prevention" means any practice which reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treatment or disposal.

"Recipient" means any applicant selected to receive financial assistance under these rules.

"Regionalization" means a project that involves two or more units of local government or public or private groups with an interest in or having responsibility for solid waste management in Iowa and through the cooperative provision of alternative solid waste management services, the project's impact will have a positive influence on such factors as, including but not limited to, operational efficiency, materials diversion, and population served.

"Sanitary landfill" means a permitted disposal site where solid waste is buried between layers of earth.

"Waste management assistance" means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

"Waste reduction" means practices which reduce, avoid, or eliminate the generation of solid waste at the source and not merely the shifting of a waste stream from one medium to another medium.

ITEM 5. Amend rule 567--209.6(455B, 455E) as follows:

567--209.6(455B, 455E) Eligible projects. The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

- ~~1. Public education;~~
- ~~2. Waste reduction;~~
- ~~3. Recycling and reuse;~~
- ~~4. Research and development;~~
- ~~5. Demonstration;~~
- ~~6. Market development for recyclable materials;~~
- ~~7. Projects that manufacture products with recycled content.~~
- ~~8. Environmental testing related to various landfill alternatives for solid waste. Such projects shall include, but are not limited to, testing air emissions generated by the combustion of municipal solid waste, analysis of the ash generated as a result of the combustion of municipal solid waste, analysis of alternative materials to be used in leachate control.~~

~~9. Production of energy through combustion, including production of tire-derived fuels and refuse-derived fuels; and~~

~~10. Combustion for volume reduction;~~

1. Best practices – practices and programs that will move Iowa towards long-term pollution prevention, waste reduction and recycling sustainability;

2. Education – practices and programs that are consistent with a coordinated statewide message on pollution prevention, waste reduction, and recycling to ensure ongoing support of these integrated solid waste management activities; and

3. Market development – practices and programs that develop a demand for value-added recyclables sufficient to provide increased and stable commodity markets.

ITEM 6. Amend rule 567--209.7(455B, 455E) as follows:

567-209.7(455B, 455E) Type of financial assistance. The type of financial assistance offered to an applicant (forgivable loan, zero interest loan, low interest loan) is dependent on the type of project and application proposal submitted. The department reserves the right to offer any combination of financial assistance types to any selected project.

~~209.7(1) Grants will be offered to applicants for waste reduction projects; public education projects; research and development projects; and demonstration projects that are innovative or new to the state of Iowa.~~

~~209.7(2) Loans will be offered to applicants for all other eligible projects and may be offered to applicants requesting grant assistance.~~

ITEM 7. Amend rule 567--209.8(455B, 455E) as follows:

567--209.8(455B, 455E) Loans. The term of all loans, executed under these rules, shall ~~vary be~~ determined on a case-by-case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement between the department and the recipient will establish other conditions or terms needed to manage or implement the project.

ITEM 8. Amend subrule 209.9(2) as follows:

209.9(2) The applicant could implement the project at a reduced level of financial assistance and achieve project objectives and ~~this program's~~ goals of this program.

ITEM 9. Amend rule 567--209.10(455B, 455E) as follows:

567--209.10(455B, 455E) Fund disbursement limitations. No funds shall be dispersed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing for the cost share amount is assured by the recipient;
3. Received final design plans from the recipient, if applicable;
4. All permits or permit amendments are received by the recipient and the division has received confirmation.

~~4.~~ 5. Received commitments from the recipient to implement the project;

~~5.~~ 6. Executed a written agreement with the recipient; and

~~6.~~ 7. Determined that the recipient is currently in compliance with all applicable federal, state, and local statutes and regulations.

ITEM 10. Amend rule 567—209.11(455B, 455E) as follows:

567--209.11(455B, 455E) Minimum applicant cost share. An applicant for financial assistance shall agree to provide a minimum cost share of funds committed to the project. Financial assistance moneys received by the applicant under these rules or through the landfill alternatives grant program, or the landfill alternatives financial assistance program are ineligible to be utilized for any portion of the required applicant cost share. Minimum applicant cost shares ~~of funds~~ shall be in accordance with ~~the following schedule:~~ the schedule outlined in the application guidance manual.

~~209.11(1) Grants:~~

- ~~a. Waste reduction—35 percent.~~
- ~~b. Public education—35 percent.~~
- ~~c. Research and development—35 percent.~~
- ~~d. Demonstration—35 percent.~~

~~209.11(2) Loans:~~

- ~~a. Recycling and reuse—35 percent.~~
- ~~b. Combustion with energy recovery—50 percent.~~
- ~~c. Combustion for volume reduction—60 percent.~~

ITEM 11. Amend rule 567--209.12(455B, 455E) as follows:

567-209.12(455B, 455E) Eligible costs. Applicants may request financial assistance in the implementation and operation of a project which includes, but is not limited to, funds for the purpose of:

1. Waste reduction equipment purchase and installation;
2. Collection, processing, or hauling equipment including labor for installation;
3. Development, printing and distribution of educational materials;
4. Planning and implementation of educational forums including, but not limited to, workshops;
5. Materials and labor for construction or renovation of buildings;
6. Salaries directly related to implementation and operation of the project;
7. Laboratory analysis costs; and
8. Engineering or consulting fees.

ITEM 12. Amend rule 567—209.13(455B, 455E) as follows:

567-209.13(455B, 455E) Ineligible costs. Financial assistance shall not be provided or used for costs including, but not limited to, the following:

1. Taxes;
2. Vehicle registration;
3. Overhead expenses;
4. Indirect costs;
5. Legal costs;
6. Contingency funds;
7. Application Proposal preparation;
8. Contractual project administration;
9. Land acquisition;

10. Office furniture, office computers, fax machines and other office furnishings and equipment;

~~10- 11.~~ Costs for which payment has or will be received under another federal, state or private financial assistance program; and

~~11- 12.~~ Costs incurred before a written agreement has been executed between the applicant and the department.

ITEM 13. Amend rule 567—209.14(455B, 455E), introductory paragraphs, as follows:
567--209.14(455B, 455E) Selection criteria. To receive consideration under these rules, applications proposals submitted to the department for financial assistance must be provided to the agency responsible for submitting an approved solid waste comprehensive plan or subsequent plan for agency review and comment. Responsible agency review and comments are required from the area in which the proposed project is located or the area or areas in which the proposed project will be implemented.

Separate selection criteria and separate application proposal forms will be used to evaluate projects based on the type of project proposal being submitted and are provided in the application guideline manual. ~~The separate selection criteria are identified below for the four applications: education projects; waste volume reduction projects; research and development and demonstration projects; and projects eligible for loans as identified in 209.7(2).~~ For each application project type, points assigned to the selection criteria total 100 points. The Department shall evaluate applications proposals and applicants will be awarded financial assistance based on the following selection criteria: contained in the application guideline manual.

Applicants submitting pre-proposals deemed viable after its review will be required to submit additional information as requested by the department. Additional information submitted will be reviewed for project viability prior to receiving a financial assistance commitment from the department.

ITEM 14. Rescind subrules 209.14(1) through 209.14(4) in their entirety.

ITEM 15. Amend rule 567—209.15(455B, 455E) as follows:
567--209.15(455B, 455E) Written agreement. Recipients shall enter into a contract with the department for the purposes of implementing the project for which financial assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. In cases where the department has awarded a other than a forgivable loan, the recipient will be required to make regularly scheduled installment payments to retire the loan and any interest assigned to the loan as identified in the executed contract. The recipient will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered part of the public record. The department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by written consent ~~of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.~~

ITEM 16. Amend rule 567—209.16(455B, 455E) as follows:

567--209.16(455B, 455E) Applications Proposals. Applicants shall submit applications proposals on forms provided by the department and are considered part of the public record. ~~Applications will be due the first Monday in June and the first Monday in December each year at 4:30 p.m., Proposals will be accepted during normal business hours throughout the year by the department unless otherwise designated by the waste management assistance division. Applications received by the waste management assistance division after the stated deadline will not be considered for funding during the current funding period, will not be retained for future consideration, and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period. Applications must be submitted on forms supplied by the department and applications submitted are considered part of the public record.~~

ITEM 17. Amend subrule 209.17(5) as follows:

209.17(5) An applicant does not provide sufficient information requested ~~in the application forms~~ on forms provided by the department pursuant to rules 209.8(455B, 455E) to 209.16 ~~44~~(455B, 455E);

ITEM 18. Amend subrule 209.17(7) as follows:

209.17(7) The project goals or scope is not consistent with rules 209.1(455B, 455E), 209.2(455B, 455E), 209.6(455B, 455E), 209.14(455B, 455E) ~~209.8(455B, 455E), 209.9(455B, 455E), 209.13(455B, 455E).~~

Date

Larry J. Wilson, Director

Ms. Stanley distributed copies of an Application and Guidelines form used in the LAFA program. She explained changes to be made in the program. Ms Stanley related that staff are going to review the application process and are contemplating the use of a pre-proposal process, which would save time and effort on the part of the applicant. Also, the department will be taking proposals on a regular basis rather than only twice a year. She related that these changes have been made in concert with the community and stakeholders through participation in an advisory committee.

Rita Venner remarked that the pre-proposal process is a good one and is real progress.

Rozanne King asked about the agenda item being brought as an informational item one month before coming as a decision item. She related that she is comfortable with this as a decision item, as there was input from an advisory committee.

Mike Murphy stated that neither the Code or rules require it, but the past practice has been to bring rules to the Commission as an information item first.

Chairman Ehm asked if these rules are adopted if it would do away with the hierarchy of classifications on giving a grant or loan.

Ms. Stanley noted that it would remove the waste hierarchy. She related that best practices, education, and market development will be looked at in evaluating proposals and in some cases may overlap.

Chairman Ehm commented that he thinks this is a vast improvement and is much more responsibly done.

Gary Priebe stated that he likes the 50% cost share, adding that if a person is putting up some of their own money they are going to try to make it work.

Motion was made by Rozanne King to approve the Notice of Intended Action--Chapter 209, Landfill Alternatives Financial Assistance Program. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Chairman Ehm announced Public Participation at 10:40 a.m.; no one requested to speak.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 12 - Environmental Audits	9/21/98	10/21/98	11/10/98	11/10/98	12/21/98	*12/21/98	*1/13/99	*2/08/99	*2/17/99

2. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	AMENDE D 8/26/98 4/08/98	9/07/98 5/04/98	9/02/98 5/25/98	10/19/98	10/19/98	11/18/98	12/08/98	* 12/23/98
3. Ch. 65 - Animal Feeding Operation Rules	11/19/98	* 12/30/98	* 1/12/99	* 1/19-22/99	* 1/25/99	* 1/25/99	* 2/24/99	* 3/09/99	* 3/17/99
4. Ch. 137 - Brownfield Program	7/20/98	8/12/98	9/07/98	9/1,2,3/98	10/19/98	10/19/98	11/18/98	12/08/98	* 12/23/98
5. Ch. 209 - Landfill Alternative Financial Assistance Program	12/21/98	* 1/13/99	* 2/08/99	* 2/ /99	* 3/24/99	* 3/24/99	* 4/01/99	* 4/09/99	* 5/ /99
6. Ch. 219 - Waste Tire Beneficial End Users	7/20/98	7/20/98	9/07/98	9/02/98	10/19/98	10/19/98	11/18/98	12/07/98	* 12/23/98

VARIANCE REPORT - NOVEMBER 1998

No.	Facility	Program	Subject	Decision	Date
1	Dennis Bryant-St.Anthony	Air Quality	Structures	Denied	11/02/98
2	Equistar Chemicals-Clinton	Air Quality	Permit Requirements	Approved	11/24/98
3	Rockwell City, City of	Wastewater	Sludge Holding Tank-Aeration & Mixing	Approved	11/03/98
4	Sidney Community Schools-Fremont County	Wastewater	Site Separation	Approved	11/30/98
5	Timber Lake Estates-Johnson County	Wastewater	Curtain Wall	Approved	11/06/98
6	John Deere Dubuque Works	Wastewater	Monitoring Frequency	Approved	11/23/98
7	Ames-Story Environmental Landfill	Solid Waste	Groundwater Monitoring	Approved	11/10/98
8	Big Bend Closed CCR Landfill-Linn County	Solid Waste	Groundwater Monitoring	Approved	11/05/98
9	Bluestem Site #2 Sanitary Landfill-Linn County	Solid Waste	Liner	Approved	11/20/98
10	Bluestem Site #2 Sanitary Landfill-Linn County	Solid Waste	Leachate Control	Approved	11/20/98
11	Fayette County Sanitary Landfill	Solid Waste	Cover	Approved	11/18/98
12	Marshalltown East Closed CCR Landfill-Marshall County	Solid Waste	Groundwater Monitoring	Approved	11/05/98
13	Marshalltown West Closed CCR Landfill-Marshall County	Solid Waste	Groundwater Monitoring	Approved	11/05/98
14	Stoney Point Closed CCR Landfill-Linn County	Solid Waste	Groundwater Monitoring	Approved	11/05/98
15	George, City of	Water Supply	Installation Procedures	Approved	11/06/98
16	Shawver Well Co., Inc.-Fredericksburg	Water Supply	Construction Materials	Approved	11/04/98
17	Shawver Well Co., Inc.-Fredericksburg	Water Supply	Construction Materials	Approved	11/09/98
18	West Okoboji Harbor Association-Spirit Lake	Water Supply	Siting Criteria	Approved	11/06/98

Spill Report - November 1998

From November 1, through November 30, 1998, 57 reports of hazardous conditions were received

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov.	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
11	8	3	4	16	15

ENFORCEMENT STATUS REPORT

<u>Name, Location and Field Office Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
Dennis Tasler; Tasler, Inc., Webster City (2)	Air Quality	Open Burning	Order/Penalty \$10,000	11/05/98
Flannegan Conservation Service; Hugh J. Flannegan, Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to AG	11/16/98
Pewe Mercantile; Dion Pewe, Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Referred to AG	11/16/98
James LaFollette; Kurt Douglas, Marion Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to AG	11/16/98
Austin J. DeCoster; DeCoster Farms of Iowa (Nursery M-1) Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to AG	11/16/98
Dyersville Golf & Country Club, Dyersville (1)	Drinking Water	Operation Violations; Nitrate; Monitoring/Reporting-Nitrate	MCL- Order/Penalty \$1,500	11/19/98
Keokuk Steel Castings Co., Keokuk (6)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	11/19/98
Williamson, City of (5)	Wastewater	Operation Without Permit	Order	10/20/98
Westwood, City of (6)	Wastewater	Operation Without Permit	Order	10/20/98
Leland, City of, Arnold	Wastewater;	Construction Without Permit	Order/Penalty	10/20/98

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Ambrosen (2)	Drinking Water		\$1,000	8
Cinda L. Welk Musctine Co. (6)	Air Quality	Open Burning	Order/Penalty \$7,500	10/20/98
Steve Stout, Washington (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	10/26/98
Albion, City of (5)	Wastewater	Discharge Limits	Order	10/26/98
Kraus's Serene Wooded Acres, Amana (6)	Drinking Water	MCL – Bacteria	Order/Penalty \$500	10/26/98
Robert Diehl, Clarke Co. (5)	Wastewater; Drinking Water	Operation Without Permit; Operation Without Permit	Order/Penalty \$5,000	10/26/98
Underwood Motel, Underwood (4)	Drinking Water	MCL-Nitrate; Monitoring-Bacteria, Nitrate, Other, Inorganics, Organics, Radioactivity, Other	Order/Penalty \$4,000	10/26/98
The Heights, Monticello (1)	Drinking Water	MCL-Bacteria; Monitoring- Bacteria; Public Notice	Order/Penalty \$500	10/26/98
The Sportsmen, Oelwein (1)	Drinking Water	MCL-Bacteria; Monitoring- Bacteria; Public Notice	Order/Penalty \$500	10/26/98

ATTORNEY GENERAL REFERRALS REPORT

<u>Name, Location and Region Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>DNR Action</u>	<u>New or Updated Status</u>	<u>Date</u>
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	6/20/97 6/05/98
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed	5/29/96 6/05/98
Bodensteiner, Edward Des Moines (5)	Under- ground Tank	Site Assessment	Order/Penalty	Referred	8/17/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/Reporting	Order/Penalty	Referred Petition Filed	7/20/98 9/24/98

DeCoster, A.J. Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	7/17/95
				Petition Filed	1/23/96
				Hearing on Pre-Trial Motion	10/28/96
				Order Denying Defendant's Motion	11/06/96
				Order Granting State's Motion	11/21/96
				State's Motion to Compel	1/28/97-
				Hearing	2/06/97
				Order Granting State's Motion	2/11/97
				Trial	2/21/97
					3/05/97
				Closing Arguments	3/28/97
				Ruling (\$59,000/Civil)	9/05/97
				Defendant's Notice of Appeal	4/04/97
				Defendant's Brief Filed	9/05/97
				Defendant's Amended Brief Filed	9/24/97
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	State's Brief Filed	1/12/98
				State's Amended Brief Filed	1/22/98
				Defendant's Reply Brief Filed	2/19/98
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	8/19/96
				Petition Filed	11/25/96
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Consolidated With Sow Unit #1 (See Below)	4/28/97
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
				Petition Filed	4/24/97
				State's Motion to Change Venue	4/28/97
				State's Motion to Consolidate	4/28/97
				Order Granting Motions	4/28/97
				Amended & Substituted Petition Filed	5/19/97
				Defendant's Motion for Partial Summary Judgment	7/14/97
				State's Motion for Partial Summary Judgment	8/04/97
				Hearing on Defendant's Motion for Partial Summary Judgment	8/11/97
				Hearing on State's Motion for Partial Summary Judgment	8/25/97
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Ruling Denying Defendant's Motion for Partial Summary Judgment	9/02/97
				Ruling Granting State's Motion for Partial Summary Judgment	9/04/97
				Trial	9/16-18/97
				Ruling for State	1/15/98
				Defendant's Notice of Appeal	2/13/98
				Defendant's Proof Brief Filed	7/08/98
				State's Brief	10/08/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	6/20/97
				Petition Filed	3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Consolidated With Nursery Unit #4 (See Below)	
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	8/18/97
				Petition Filed	3/20/98

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DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)		Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	NEW	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers Companies, Inc. Poweshiek Co. (1)	Hybrid	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	NEW	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Gassman, Charles and Ruth d/b/a Gassman's MHP Dubuque (1)		Drinking Water	Monitoring/Reporting- Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/98 10/01/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)		Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted	1/20/98 8/25/98 9/28/98 10/26/98
Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6)		Drinking Water	Monitoring/Reporting - Lead and Copper	Order/Penalty	Referred Petition Filed	1/20/98 9/29/98
Huyser, James; Trucking Lovilia (5)	Trust	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
LaFollette, James; Douglas Marion NEW	Kurt Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	11/16/98
Larson, Daryl Clinton Co. (6)		Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/20/97 6/26/98

Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Permit	Without	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action		Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed	12/15/97 10/02/98
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6) NEW	Under-ground Tank	Insurance Violation; Site Check		Order/Penalty	Referred	11/16/98
Postville Pork Postville (1) UPDATED	Waste-water	Prohibited Discharge		Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$1,000/Civil)	5/20/96 7/09/97 11/04/98 11/02/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal		Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under-ground Tank	Insurance Violation		Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal		Orders/ Penalties	Referred Petition Filed	6/20/97 6/04/98
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations		Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction	4/20/98 6/23/98 8/25/98 9/15/98
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste-water	Prohibited Discharge		Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Underwood, Paul d/b/a Underwood Excavating & Demolition Cedar Rapids (1)	Air Quality	Asbestos		Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Village Realty Pottawattamie Co. (4)	Under-ground Tank	DNR Defendant		Defense	Petition Filed State's Motion to Dismiss	8/12/98 10/08/98

Weber Construction, Inc. Cascade NEW	Air (1) Quality	Asbestos	Petition for Review	Petition Filed	11/19/98
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under- ground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/20/97 9/24/98
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

CONTESTED CASE REPORT

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-08-89	Shaver Road Investments	Site Registry	HW	Tack	Awaiting test results to amend consent order.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Tack	New draft consent order issued to company for approval.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up to be completed by 7/1/99. Awaiting dismissal of appeal.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 7/1/98.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Tack	Closure to be completed 12/98.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response

4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for Penalty payment received 11/2/98. Closed.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Tack	
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Draft permit issued. Settled.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	Admin. Order	UT	Womson	Tier 2 initiated.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V application.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks closed. Property sold. Buyer not Fund eligible and bankrupt. Schedule for hearing.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Fund eligible. Tier I initiated - overdue.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter sent 2/27/97.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - requested documentation -- no response. State lead - tanks removed.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95-construction.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Awaiting penalty payment.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	Awaiting consent order approval.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Tack	Hearing continued. Clean-up continuing.
5-25-95	E I DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Tack	In the process of clean-up.
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Tack	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.

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7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	Admin. Order/Penalty	UT	Womson	SCR received/rejected. Referral for state lead. Negotiating penalty.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Negotiating settlement.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Preziosi	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc ; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 -
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E L. Incorporated	Admin. Order/Penalty	SW	Tack	Sent to DIA to be set for hearing.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs Settled. Awaiting penalty payment.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with FO #6. Receiving penalty payments.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Kaizer	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with I.E.S.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold. Parties out-of-state. New owner not fund eligible/bankrupt. Schedule for hearing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Tack	Hearing set for 12/8/98
2-06-96	Russell Stag	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from Consent order drafted.
5-08-96	Venmeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Tack	Penalty payment received 11/4/98. Closed.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	Admin. Order/Penalty	UT	Womson	Negotiating before filing.

8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	Admin. Order/Penalty	WW	Clark	Settlement letter sent 9/25/98.
8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Tack	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Wornson	Closed facility. Settlement reached. Penalty paid 11/5/98. Closed.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Kaizer	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32)	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	Admin. Order/Penalty	AQ/SW	Tack	Cleanup complete. Negotiating penalty.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Tack	Penalty received 12/2/98. Closed.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt	Admin. Order/Penalty	SW/AQ	Tack	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Kaizer	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Kaizer	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Tack	Settlement reached. Awaiting penalty payment.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Kaizer	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25 permits)	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	Admin. Order/Penalty	WW	Murphy	9/97 - Case on hold pending compliance.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to water supply for City of Davenport completed.

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10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted proposal. Letter sent to City accepting their proposal.
10/22/97	Lehigh Portland Cement Co	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	FO 2 inspection 3/98. To be set for hearing. Letters received from City regarding progress on preliminary
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	Notice of Intent to Revoke Solid Waste Permit; Denial	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court.
12/22/97	Dave and Kristi Castenson; Donald Fields, Conservator for Thelma Pirie	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20 and 8/28. Hearings completed. Briefs submitted 9/15/98.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
3/06/98	Enviro Safe Air, Inc (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Womson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc	Permit Conditions	AQ	Kaizer	Negotiations continue.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	Negotiating before filing.
7/28/98	Q C Metallurgical Laboratory	Laboratory Certification Revocation	UT	Womson	Settlement reached. Awaiting compliance.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	Negotiating before filing.
8/18/98	University of Iowa	Permit Conditions	WW	Hansen	Settlement offer sent 10/98.
9/15/98	Verton S. Miller	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/22/98	Rosebar Tire Shredding Center; Dan L. Schwitters	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
9/22/98	Dwight Johnston	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement received 11/10. Closed.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	Admin. Order/Penalty	AQ	Kaizer	Sent to DIA for hearing.
10/03/98	Ag Processing, Inc (Emmetsburg)	Permit Exemption Denial	AQ	Kaizer	Negotiating before filing.
10/06/98	M & W Pallet Co.	Admin. Order	SW	Tack	New case. Clean-up in progress.
10/08/98	West Liberty, City of	Admin. Order/Penalty	WW	Hansen	Informal procedures required.
10/09/98	Miller Deconstruction and Fabrication	Admin. Order/Penalty	AQ/SW	Tack	Penalty received 11/4/98. Closed.
10/09/98	Elm's Corporation of Linn County	Admin. Order/Penalty	UT	Womson	Compliance initiated.
10/09/98	Wamke Construction Co.; Randeau Wamke	Admin. Order/Penalty	AQ/SW	Kaizer	Settled. Awaiting penalty payment.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/15/98	Ag Processing, Inc. (Sergeant Bluff)	Permit Exemption Denial	AQ	Kaizer	Negotiating before filing.

10/23/98	John Janning	Admin. Order/Penalty	AQ/SW	Kaizer	Settled. Awaiting penalty payment.
10/26/98	Maquoketa, City of	Admin. Order	WW	Hansen	Appeal withdrawn 11/25/98.
10/28/98	Howard Knowler	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	Admin. Order	WS	Murphy	New case.
11/04/98	Steve Stout	Admin. Order/Penalty	AQ/SW	Preziosi	New case.
11/05/98	Jim Arenson Chevrolet	Permit Revisions	WS	Hansen	New case.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	Admin. Order/Penalty	WW	Murphy	New case.
11/06/98	Rustic Oaks Homeowners Assoc.	Admin. Order	WS	Murphy	New case.
11/09/98	Cinda L. Welk	Admin. Order/Penalty	AQ	Kaizer	New case.
11/13/98	Caseys General Stores, Inc. (Johnston Store)	Admin. Order/Penalty	UT	Womson	New case.
11/19/98	Jacobs Energy Corporation	Permit Denial	AQ	Preziosi	New case.
11/19/98	Leland, City of	Admin. Order/Penalty	WW/WS	Murphy	New case.
11/23/98	Williamson, City of	Admin. Order	WW	Hansen	New case.
11/25/98	Northwest Airlines, et al	Permit Issuance	WW	Murphy	New case.
11/30/98	Robert Diehl	Admin. Order/Penalty	WW/WS	Murphy	New case.

Mr. Stokes presented the routine monthly reports.

Randy Giannetto arrived at this point in the meeting, 10:40 a.m.

Discussion took place regarding tomorrow's deadline for UST's to meet federal upgrade requirements. Mr. Stokes noted that out of 4500 reported leaking tanks approximately 1538 cleanups are completed to the point of no further action required, and 950 are listed as low risk monitoring only. Also discussed was a variance case and procedures to request a variance.

INFORMATIONAL ONLY

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for two nonpoint source (NPS) pollution control project contracts. The contracts are for FFY99 activities of multi-year NPS projects. Funds for these contracts will come from EPA Section 319 grants awarded to the Department specifically for these projects. Funding from other state and federal programs will also be used to support activities in these projects.

The project sponsors, project costs in terms of Section 319 funds provided, project descriptions, and activities supported are provided below.

- **Iowa State University Extension, Statewide Manure Management Education Initiative, \$60,000** – This is a two-year project to extend an ongoing manure management education

project. The project activities will consist of a series of workshops to educate both crop and livestock producers in crop nutrient management and manure utilization. Workshops will be held in all counties annually. Project funds will be used to support project staff, development and publication of educational materials for workshop participants, demonstration plot maintenance, and printing for newsletters, brochures, etc.

- **Iowa Department of Agriculture – Division of Soil Conservation, Tri-County Rural Water Quality Project - \$150,000** – This is a new four-year water quality practice demonstration project for Butler, Floyd and Mitchell Counties. Nonpoint source pollution and groundwater quality will be addressed. Experiences gained from installing BMPs in other water quality projects will be utilized in implementing this demonstration project. Project funds will be used to support a project coordinator and related project costs.

Mr. Stokes presented details of the contracts.

Brief discussion followed.

Motion was made by Rita Venner to approve Section 319 Nonpoint Source Pollution Control Project Contracts with ISU Extension, and with DALs. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT - ISU GIS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested to enter into a one-year contract for \$34,500 with Iowa State University's Geographic Information System Support & Research Facility and Iowa Agriculture and Home Economics Experiment Station for the Digital Spatial County Soil Resource Databases for Protection of Significant Publicly Owned Lakes Project. This project will provide DNR with digital soil information for 23 counties with significant publicly owned lakes. The digital soil information will be used with the Department's Geological Information System to develop lake protection strategies.

Contract funds will be used to support technical staff and associated costs to develop digital soil data to DNR specifications for the identified 23 counties. This contract will be funded using EPA Section 319 funds provided to the Department for this project.

Mr. Stokes gave an explanation of the project and related contract.

Dean McWilliams asked if the project will encompass the whole state or whether it would be concentrated in one area.

Mr. Stokes related that it fairly well covers the state and he read the list of counties that are involved.

Rozanne King asked which of the affected lakes is located in Harrison County.

Mr. Stokes replied that he does not instantly know but will provide that information.

Motion was made by Dean McWilliams to approve the Section 319 Nonpoint Source Pollution Control Project contract with ISU - GIS. Seconded by Randall Giannetto. Motion carried unanimously.

APPROVED AS PRESENTED

WATER SUPPLY TECHNICAL ASSISTANCE GRANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested to enter into ten contracts to provide technical assistance to small public water systems serving a population of 10,000 or less. Attached is a list of projects for which funding is recommended.

In 1996, Congress enacted amendments to the Safe Drinking Water Act that authorized a Drinking Water State Revolving Fund (DWSRF) program to provide assistance to public water systems to finance the cost of drinking water infrastructure. As a result, the Iowa General Assembly enacted House File 191 that expanded the existing program to become the Iowa Sewage Treatment and Drinking Water Facilities Financing Program. The program provides for a 2% set-aside of funds appropriated to be used for technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations. To carry out the provisions of the program, the Water Quality Bureau requested proposals for projects providing technical assistance for small public water systems.

The attached list of recommended projects meet the established criteria in the Drinking Water State Revolving Fund program and comply with the approved Intended Use Plan for this program.

Contracts will be funded using federal funds available in the 2% Set-Aside for Technical Assistance for FFY 1997 and 1998.

WATER SUPPLY TECHNICAL ASSISTANCE PROJECTS

CONSUMER CONFIDENCE REPORT WORKSHOPS

Contractor: Iowa Association of Municipal Utilities

Project Summary: Conduct six regional “hands-on” Consumer Confidence Report workshops. The workshops will train workshop participants on all aspects of constructing a consumer confidence report. Participants will be given pre-workshop materials indicating the type of information they should bring to the workshop. The objective of the project is to have participants develop their consumer confidence reports while attending the workshop. The workshops would be available to a large number of owners/operators at various locations around the state. The project will be completed within one year.

Project Cost: \$14,652

WATER DISTRIBUTION TRAINING FIELD

Contractor: Kirkwood Community College

Project Summary: Construction of a distribution training field and provide “hands-on” training workshops utilizing these facilities. Workshops would provide training and troubleshooting of water distribution systems to entry level and experienced operators. The project will initially provide for three 10-hour workshops covering maintenance and repair, and the relationship to SDWA issues such as the TCR rule, lead and copper, turbidity, chlorine residuals, and other issues impacted by the condition of the distribution system. The project would provide a permanent site at the training center for this type of training. Workshops will be conducted within one year of construction of the training field.

Project Cost: \$35,638

LABORATORY ANALYSIS TRAINING

Contractor: Kirkwood Community College

Project Summary: Development and delivery of six one-day regional workshops providing small system operators with training on proper sampling techniques and use of water analysis equipment. Workshops will feature “hands-on” training on water analysis equipment performing selected analysis of water samples. Project costs include purchase of laboratory equipment which will be used in the future for the workshop developed under this project. The project will be completed within one year.

Project Cost: \$26,780

VIABILITY TECHNICAL ASSISTANCE

Contractor: Iowa Association of Municipal Utilities

Project Summary: The project will provide viability training sessions and on-site technical assistance. Training sessions will consist of a series of workshops on financial, managerial, and technical capacity issues. Specific groups will be targeted (council members, clerks, operators, etc.) for each type of workshop being presented. Workshops will cover critical issues identified in the Viability Self-Assessment Manual. A total of 24 workshops will be provided over a two year period. On-site technical assistance will involve one-on-one contact with the public water supply. Over a two year period, a minimum of 15 selected supplies annually will be contacted and provided technical assistance in deficient areas identified in the self-assessment manual. Depending on the amount of assistance needed by these systems, additional systems may be added.

Project Cost: \$157,986

VALUE ENGINEERING-SRF PROJECTS / FOX ENGINEERING

Contractor: Fox Engineering

Project Summary: Develop and implement a value engineering study of selected SRF funded projects, serving less than 10,000 persons, being financed under the current fiscal year SRF funds. The objective of the study is to benefit individual communities by assuring their projects are cost effective from both a construction and life cycle cost basis, and benefit IDNR and the SRF program by creating significant cost savings that might be applied to additional project funding. This would be a pilot project working with 4 to 5 systems on a voluntary basis. The project will be used to determine future effectiveness of value engineering with regard to SRF funded projects. The project would be completed over a two year period.

Project Cost: \$75,000

ON-SITE TECHNICAL ASSISTANCE / KIRKWOOD COMMUNITY COLLEGE

Contractor: Kirkwood Community College

Project Summary: Identify 12-15 small systems failing to comply with requirements of the SDWA. Develop a system of training and technical assistance to address specific needs of these small system operators. Provide ongoing one-on-one technical assistance and training to assist the small system operator in achieving and maintaining compliance with requirements of the SDWA. Assistance will focus on specific Significant Noncompliance (SNC) problems responsible for violations. The project is for a one year period.

Project Cost: \$47,180

SMALL SYSTEM TECHNICAL ASSISTANCE DIRECTORY

Contractor: Iowa Association of Municipal Utilities

Project Summary: Development and maintenance of a comprehensive directory listing regional contacts and experts on various aspects of water system operation and maintenance. The directory will allow systems needing assistance on specific aspects of operations or equipment to easily find a contact person for immediate consultation. The directory would also include a comprehensive listing of resources public water systems would be willing to share or loan during times of emergency. The project provides a cost-effective means to develop a network by which systems can access resources and technical assistance when needed and not be restricted to certain time periods or equipment limitations. The project would be completed within one year.

Project Cost: \$43,463

VERY SMALL WATER SYSTEM WORKSHOP

Contractor: Alliance of Certified Operators (ACEOPS)

Project Summary: The project will support research, development and publication of a training manual for very small water system operators and provide for training workshops in each of the six DNR regions to train and prepare individuals to become certified as very small water system operators. The training manual will serve both as an information resource for day-to-day operations and as a training workbook for operators taking a very small system certification examination. The training manual and workshop format (6 hour) will be available by other issuing agencies providing training to this classification of operators. This type of training would target homeowners associations, mobile home parks, NTNC systems, etc., generally the Department's largest contingent of compliance problems. The project would be completed over a 18 month period.

Project Cost: \$30,000

WELLHEAD / SOURCE WATER PROTECTION PROJECT

Contractor: Iowa Rural Water Association

Project Summary: The project will provide technical assistance to small public water supplies in developing wellhead/source water protection plans. Current wellhead/source water protection training materials will be reviewed and updated to meet current EPA guidelines and the State's wellhead/source water protection plan. A series workshops will be conducted on a state wide basis to provide training for all public water supplies serving a population of 10,000 or fewer in the developing a wellhead/source water protection plan. Approximately forty systems will be identified and provided on-site technical assistance in developing a wellhead/source water protection plan. In addition, seventy systems which currently have wellhead protection plans will be assisted in updating their plans to meet current federal and state guidelines. The project would be completed over a 24 month period.

Project Cost: \$130,000

SMALL SYSTEM PEER REVIEW & EVALUATION PROGRAM

Contractor: Iowa Rural Water Association

Project Summary: The project will involve development and delivery of a self-assessment instrument and conducting on-site peer review evaluations of participating public water supplies. Program elements include six regional train-the-trainer sessions for the Peer Review Team, development and distribution of a self-assessment instrument and a request for assistance application to PWSs, ranking and selection of facilities to be evaluated, conducting at least 45 on-site review evaluations by the Peer Review Team annually (one year program), develop and manage data for program monitoring, inventory, and reporting.

Project Cost: \$20,150

Total Cost of Projects: \$580,849

Mr. Stokes gave a detailed explanation of the grant contracts.

Discussion followed in regard to this being a voluntary program; identifying the small towns and providing access to financial assistance as well as hands-on training to communities; and some towns not having anyone to do the administrative work.

Motion was made by Rita Venner to approve the Water Supply Technical Assistance Grants as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

GRANTS TO COUNTIES - FY 2000

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve awarding grants to the 98 counties for well testing, abandonment and rehabilitation for SFY2000. Grants will be \$21,500.00 per county for a total of \$2,107,000.00. These figures are based on the current unobligated balance in the Groundwater Fund Agricultural Management Account, additional receipt of funds expected before the end of the fiscal year and an expected per cent usage factor. This grant amount is the same as in SFY99.

Ninety eight applications were received for the grant program. No application was determined to be ineligible. Actual final grant payments may vary based on numbers of wells tested, plugged or renovated by each county. Final payment will be determined by actual performance.

The list of proposed grant recipients is attached.

COUNTY NAME	DESIGNATED AGENT	WELL GRANT PROGRAM SFY							SFY 2000 Received	Approved
		93	94	95	96	97	98	99		
Adair	1 Steve Patterson	X	X	X	X	X	X	X	X	
Adams	2 Eldon Rike, P.E.	X	X	X	X	X	X	X	X	
Allamakee	3 Laurie Moody	X	X	X	X	X	X	X	X	
Appanoose	4 Bill Milani	X	X	X	X	X	X	X	X	
Audubon	5 Steve Patterson	X	X	X	X	X	X	X	X	
Benton	6 Marc Greenlee	X	X	X	X	X	X	X	X	
Black Hawk	7 Mark Linda	X	X	X	X	X	X	X	X	
Boone	8 John Munson	X	X	X	X	X	X	X	X	
Bremer	9 Doug Bird	X	X	X	X	X	X	X	X	
Buchanan	10 Ed Fitzgerald, P.E.	X	X	X	X	X	X	X	X	
Buena Vista	11 Kim Johnson	X	X	X	X	X	X	X	X	
Butler	12 Steve Busse	X	X	X	X	X	X	X	X	
Calhoun	13 Keith Roos	X	X	X	X	X	X	X	X	
Carroll	14 Carl Wilburn	X	X	X	X	X	X	X	X	
Cass	15 Steve Patterson	X	X	X	X	X	X	X	X	
Cedar	16 Phil LaRue	X	X	X	X	X	X	X	X	
Cerro Gordo	17 Tom Reichard	X	X	X	X	X	X	X	X	
Cherokee	18 Dean Shaffer	X	X	X	X	X	X	X	X	
Chickasaw	19 Ken Rasing	X	X	X	X	X	X	X	X	
Clarke	20 Allan Mathias				X	X	X	X	X	
Clay	21 Randy Van Dyke	X	X	X	X	X	X	X	X	
Clayton	22 Frank Phippen	X	X	X	X	X	X	X	X	
Clinton	23 Bob Summers	X	X	X	X	X	X	X	X	
Crawford	24 Carl Wilburn	X	X	X	X	X	X	X	X	
Dallas	25 Terry Brooks				X	X	X	X	X	
Davis	26 Donnie Herteen	X	X	X	X	X	X	X	X	
Decatur	27 Keith Hinds					X	X	X	X	
Delaware	28 Norman Wellman	X	X	X	X	X	X	X	X	
Des Moines	29 Barb Baker	X	X	X	X	X	X	X	X	
Dickinson	30 David Kohlhasse	X	X	X	X	X	X	X	X	
Dubuque	31 Dr. Paul Buss	X	X	X	X	X	X	X	X	
Emmet	32 Terry Reekers	X	X	X	X	X	X	X	X	
Fayette	33 Lyle Jackson	X	X	X	X	X	X	X	X	
Floyd	34 Mike Milligan	X	X	X	X	X	X	X	X	
Franklin	35 Kermit Voy	X	X	X	X	X	X	X	X	
Fremont	36 Bob Mather								X NEW	
Greene	37 Tim Healy	X	X	X	X	X	X	X	X	
Grundy	38 Sandra Harms	X	X	X	X	X	X	X	X	
Guthrie	39 Steve Patterson	X	X	X	X	X	X	X	X	
Hamilton	40 Amy Ratcliff	X	X	X	X	X	X	X	X	
Hancock	41 Jack Bradley	X	X	X	X	X	X	X	X	
Hardin	42 John	X	X	X	X	X	X	X	X	
	Stonebraker, P.E.									
Harrison	43 Matt Pitt	X	X	X	X	X	X	X	X	
Henry	44 Jelen Remick	X	X	X	X	X	X	X	X	
Howard	45 Tom Andersen, P.E.	X	X	X	X	X	X	X	X	
Humboldt	46 Daryl Enfield	X	X	X	X	X	X	X	X	
Ida	47 Richard Madsen	X	X	X	X	X	X	X	X	
Iowa	48 Richard Heller	X	X	X	X	X	X	X	X	

Jackson	49	Troy Jacobsen	X	X	X	X	X	X	X	X
Jasper	50	Sue Irving	X	X	X	X	X	X	X	X
Jefferson	51	Vickie McKeeever	X	X	X	X	X	X	X	X
Johnson	52	Kathryn Flora	X	X	X	X	X	X	X	X
Jones	53	Dan Olson	X	X	X	X	X	X	X	X
Keokuk	54	Valerie Hammes	X	X	X	X	X	X	X	X
Kossuth	55	Jack Bradley	X	X	X	X	X	X	X	X
Lee	56	Therese O'Brien	X	X	X	X	X	X	X	X
Linn	57	John Erceg	X	X	X	X	X	X	X	X
Louisa	58	Ron Johnston	X	X	X		X	X	X	X
Lucas	59	Bill Milani	X	X	X	X	X	X	X	X
Lyon	60	Jeff Williams, P.E.	X	X	X	X	X	X	X	X
Madison	61	Marlin Piatt	X	X	X	X	X	X	X	X
Mahaska	62	Don Russell	X	X	X	X	X	X	X	X
Marion	63	John McCoy	X	X	X	X	X	X	X	X
Marshall	64	John Kunc	X	X	X	X	X	X	X	DROPPED
Mills	65	Sheri Bowen	X	X	X	X	X	X	X	X
Mitchell	66	Milton Owen	X	X	X	X	X	X	X	X
Monona	67	Jennifer Judd	X	X	X	X	X	X	X	X
Monroe	68	Donnie Herteen		X	X	X	X	X	X	X
Montgomery	69	Dave McFarland	X	X	X	X	X	X	X	X
Muscatine	70	Verne Fuegen	X	X	X	X	X	X	X	X
O'Brien	71	Donna Vander Veen	X	X	X	X	X	X	X	X
Osceola	72	Thomas Snyder, P.E.	X	X	X	X	X	X	X	X
Page	73	Donnie McCoy	X	X	X	X	X	X	X	X
Palo Alto	74	Denny Barrick	X	X	X	X	X	X	X	X
Plymouth	75	Gordon Greene	X	X	X	X	X	X	X	X
Pocahontas	76	Scott Phillips	X	X	X	X	X	X	X	X
Polk	77	Bobby Baker					X	X	X	X
Pottawattamie	78	Kay Mocha	X	X	X	X	X	X	X	X
Poweshiek	79	Preston Shaw	X	X	X	X	X	X	X	X
Ringgold	80	Judd Bowen	X					X	X	X
Sac	81	Charles Bettin	X	X	X	X	X	X	X	X
Scott	82	Larry Linnenbrink	X	X	X	X	X	X	X	X
Shelby	83	Joseph Stroeher	X	X	X	X	X	X	X	X
Sioux	84	Doug Julius	X	X	X	X	X	X	X	X
Story	85	Don Nolting	X	X	X	X	X	X	X	X
Tama	86	Lee Wigis	X	X	X	X	X	X	X	X
Taylor	87	Jane Nitchals	X	X	X	X	X	X	X	X
Union	88	Louis Boeckman	X	X	X	X	X	X	X	X
Van Buren	89	Jim Laughlin	X	X	X	X	X	X	X	X
Wapello	90	Tina Orman	X	X	X	X	X	X	X	X
Warren	91	Rick Wilson	X	X	X	X	X	X	X	X
Washington	92	Jeff Verboncoeur	X	X	X	X	X	X	X	X
Wayne	93	Don Petty	X	X	X	X	X	X	X	X
Webster	94	Gary Boerner	X	X	X	X	X	X	X	X
Winnebago	95	Jack Bradley	X	X	X	X	X	X	X	X
Winneshiek	96	Doug Groux	X	X	X	X	X	X	X	X
Woodbury	97	Don Martensen	X	X	X	X	X	X	X	X
Worth	98	Allen Venz	X	X	X	X	X	X	X	X
Wright	99	Sid Swenson	X	X	X	X	X	X	X	X

Mr. Stokes reviewed the grant program and list of grant recipients. He related that this program has been in existence since 1989 and has tested over 100,000 private rural drinking water wells. Additionally, it has paid for the closure of over 31,000 wells plus upgrading 726 wells.

Dean McWilliams asked if abandoned wells are required to be closed.

Mr. Stokes replied that rules were adopted about ten years ago requiring proper closure of abandoned wells. He expanded on details of the requirements, the maximum cost-share of \$200, and disbursement of the funds.

Motion was made by Dean McWilliams to approve the Grants to Counties for FY 2000. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT WITH IOWA WASTE REDUCTION CENTER

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve amendments to the agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement establishes the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act). The agreement is for the period of July 1, 1998 through June 30, 1999.

The Iowa Air Emission Assistance Program of the IWRC conducted a 112(r)-need assessment for Iowa, which indicated that 4,000 small businesses in Iowa could potentially be impacted by U.S. Environmental Protection Agency's 112(r) program. The agreement funding increase of \$50,000 [total contract of \$397,000] from a special federal 105 grant will provide IWRC with the funds to provide risk management training workshops across the state. These workshops will train small businesses on how to develop, complete, and submit Risk Management Plans, as required by Section 112(r) of the Act.

Mr. Stokes presented details of the agreement and explained the program requirements relating to a release or spill. He also discussed the training workshops to be held across the state.

Motion was made by Terrance Townsend to approve the Agreement with the Iowa Waste Reduction Center. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 12, ENVIRONMENTAL SELF AUDITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached as final rules. This new rule chapter establishes procedural rules necessary to administer the Environmental Audit Privilege and Immunity Act [1998 Iowa Acts, House File 681 {Chapter 1109} enacted during the last legislative session. The preamble to the rule and attached responsiveness summary discuss comments received during the public comment period on these rules and changes incorporated into this proposed final version as a result of those comments received.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed**

Pursuant to the authority of 1998 Iowa Acts, House File 681, section 12, the Environmental Protection Commission adopts Chapter 12, "Environmental Self-Audits," Iowa Administrative Code.

1998 Iowa Acts, House File 681 [Chapter 1109], known as the "Environmental Audit Privilege and Immunity Act," provides that under certain conditions, owners or operators of facilities may conduct voluntary evaluations of their facilities to determine compliance or noncompliance with environmental regulations and be afforded some protection that the information derived cannot be used against them. This chapter establishes procedural rules necessary to administer the Act, related to Notice of Audit, Request for Extension, and Disclosure of Violation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 21, 1998, as ARC 8419A. A public hearing was held on November 10, 1998. Oral comments from two sources and written comments from four sources were received during the public comment period. As a result of the public comments, changes to the proposed rules have been made.

1. The word "anticipated" was added in subrule 12.2(1), paragraph "d".
2. A sentence was added at the end of subrule 12.2(1), paragraph "e".
3. The phrase "before it is" was added in subrule 12.4(1), paragraph "d", to clarify the meaning.
4. The words "or result" replace "resulting" in subrule 12.4(1), paragraph "e", to make clear that either condition makes disclosure nonvoluntary.
5. The phrase "from administrative or civil penalties" was added in subrule 12.4(2), introductory paragraph, to clarify the meaning.
6. The phrase "unless specifically requested in writing by the department" was added at the end of subrule 12.4(4).

This rule chapter is intended to implement 1998 Iowa Acts, Senate File 681.

The following new chapter is adopted.

CHAPTER 12

ENVIRONMENTAL SELF-AUDITS

567—12.1(77GA, HF681) General.

12.1(1) Scope. This chapter sets forth rules governing voluntary disclosure of environmental noncompliance discovered as a result of an environmental self-audit conducted by or on behalf of a facility owner or operator under provisions of 1998 Iowa Acts, House File 681.

12.1(2) Definitions. As used in this chapter, the following terms shall have the following meanings:

“Act” means the environmental audit privilege and immunity Act, 1998 Iowa Acts, House File 681.

“Department” means the Iowa department of natural resources.

“Disclosure of violation” means the notice or disclosure made by a person to the department promptly upon discovery of a violation as a result of an environmental audit.

“Environmental audit” means a voluntary evaluation of a facility or operation, of an activity at a facility or operation, or of an environmental management system at a facility or operation, when the facility, operation, or activity is regulated under state or federal environmental laws, rules or permit conditions, conducted by an owner or operator, an employee of the owner or operator, or an independent contractor retained by an owner or operator that is designed to identify historical or current noncompliance with environmental laws, rules, ordinances, or permit conditions, discover environmental contamination or hazards, remedy noncompliance or improve compliance with environmental laws, or improve an environmental management system.

“Environmental audit report” means a document or set of documents generated and developed for the primary purpose and in the course of or as a result of conducting an environmental audit.

“Notice of audit” means the notice an owner or operator provides to the department before the owner or operator begins an environmental audit.

“Owner or operator” means the person or entity who caused the environmental audit to be undertaken.

“Request for extension” means a letter requesting an extension of the time period allowed for the completion of an environmental audit.

567—12.2(77GA, HF681) Notice of audit. Owners or operators are not required to give the department notice of audit before beginning an environmental audit; however, they are encouraged to do so. Owners or operators may not be able to take advantage of immunity provisions under the Act if they fail to give notice to the department that they are planning to commence an environmental audit and the department initiates an inspection or investigation prior to the person’s filing a disclosure of violation with the department. If notice of audit is given to the department, the audit must be completed within a reasonable time not to exceed six calendar months from the date the notice of audit is received by the department unless a request for extension has been filed with and granted by the department.

12.2(1) If a notice of audit is provided to the department, it must be submitted in writing by certified mail. A notice of audit should include the following information:

- a. The name of the facility to be audited;
- b. The location of the facility to be audited (address and city);
- c. The description of the facility or portion of the facility, activity, operation or management system to be audited, including applicable department permit and registration numbers;
- d. The date of anticipated initiation of audit (day, month, and year);
- e. The general scope of audit, with sufficient detail to enable a determination of whether subsequently discovered violations are included. If the scope of the audit changes before it is completed, an amended notice shall be submitted promptly after this fact becomes known.;
- f. The names of the persons conducting the audit; and
- g. The anticipated date of completion of the audit not to exceed six calendar months.

12.2(2) If, after providing notice of audit, an owner or operator determines the audit will not be completed by the initial anticipated completion date but within six calendar months from the date of the original notice of audit, the owner or operator should provide the department a written amendment to the notice of audit with the revised anticipated completion date, not to exceed six calendar months from the date of the original notice of audit. Amendments to the anticipated date of completion should be filed with the department prior to the expiration of the original listed anticipated date of completion. If the anticipated date of completion will go beyond six calendar months from the date of the original notice of audit, the owner/operator must file a request for extension pursuant to rule 12.3(77GA, HF681) of this chapter.

12.2(3) A notice of audit is not privileged information and is considered public information subject to provisions of state open records laws in Iowa Code chapter 22.

12.2(4) If a notice of audit is provided to the department, the department will provide written acknowledgment of receipt with an assigned identification number for reference and tracking purposes.

567—12.3(77GA, HF681) Request for extension. If notice of audit is given to the department, the audit must be completed within a reasonable time not to exceed six calendar months from the date the notice of audit is received by the department unless a written request for extension has been filed with and granted by the department based on reasonable grounds. Owners or operators are cautioned that continuation of an audit after the initial six-month period without prior written approval from the department may limit the availability of immunity under the Act.

12.3(1) A request for extension must be filed in writing with the department at least 30 calendar days prior to expiration of the initial six-month period and provide sufficient information for the department to determine whether reasonable grounds exist to grant an extension. Written requests for extension must be sent by certified mail. Failure to provide sufficient information could result in delay of approval or denial of the extension, which could jeopardize availability of immunity under the Act.

12.3(2) The department will provide written determination either granting or denying the request for extension within 15 calendar days of receipt of the written request for extension.

12.3(3) Requests for extension will be considered as amendments to the notice of audit and as such will not be considered privileged information. Requests for extension will be considered public information subject to the provisions of state open records laws in Iowa Code chapter 22.

567—12.4(77GA, HF681) Disclosure of violation. An owner or operator wishing to take advantage of the immunity provisions of the Act must make a prompt voluntary disclosure to the department regarding an environmental violation which is discovered through an environmental audit.

12.4(1) A disclosure will be deemed voluntary if the following conditions apply:

a. The disclosure arises out of an environmental audit and relates to information considered privileged under the Act;

b. The disclosure is not otherwise required by federal or state law, rule, permit condition, or an order issued by the department;

c. If no current notice of audit covering the facility, activity, operation or management system is on file with the department, the disclosure is made prior to a violation being independently detected by the department or the initiation of an inspection or investigation by the department;

d. The violation is identified and disclosed to the department before there is notice of a citizen suit or a legal complaint filed by a third party; or before it is reported to the department by any person not involved in conducting the environmental audit or to whom the environmental audit was disclosed;

e. The violation does not involve intentional violation of state or federal law, rule, or permit condition, or result in substantial actual injury or imminent and substantial risk of injury to persons, property, or the environment; and

f. The owner or operator making the disclosure uses reasonable efforts to pursue compliance and to correct the noncompliance within a reasonable period of time after completion of the audit in accordance with a remediation schedule submitted to and approved in writing by the department.

12.4(2) An owner or operator may not be able to take advantage of the immunities under the Act from administrative or civil penalties if:

a. Violations are intentional;

b. Violations resulted in substantial actual injury or imminent and substantial risk of injury to persons, property, or the environment;

c. Violations resulted in a substantial economic benefit which gives an owner or operator a clear advantage over business competitors; or

d. The owner or operator has been found to have committed serious violations that constitute a pattern of continuous or repeated violations or is classified as a habitual violator as set forth in 1998 Iowa Acts, House File 681, section 8, subsection (7a).

12.4(3) A disclosure of violation must be sent to the department in writing by certified mail and include the following information:

a. Reference to the date of the relevant notice of audit and assigned reference number, if one was provided;

b. Time of initiation and completion of the audit (if applicable);

c. The names of the person or persons conducting the audit;

d. Affirmative assertion that a violation has been discovered;

e. Description of the violation discovered and reason for believing a violation exists;

f. Date of discovery of the violation and interim measures taken to abate the violation;

g. Duration of the violation if that can be determined; and

h. The status and schedule of proposed final corrective measures, if applicable.

12.4(4) A disclosure of violation is not an environmental audit report and is not privileged information under the Act. A disclosure of violation is public information subject to provisions of state open records laws in Iowa Code chapter 22. Owners or operators should not send copies of environmental audit reports to the department, unless specifically requested in writing by the department.

12.4(5) The department will acknowledge receipt of a disclosure of violation in writing which will include either concurrence or rejection of the proposed final corrective measures and schedule. This written acknowledgment will be sent to the owner or operator within 15 calendar days of receipt of the disclosure of violation.

Date

Larry J. Wilson, Director

Mr. Stokes explained details of the rule and procedures for filing an audit. He reviewed the public comments received and explained changes made as a result of the comments.

Gary Priebe asked about the 6 month time period.

Mr. Stokes stated that if a party supplies an advance notice of intent to conduct an audit, the audit would have to be conducted and completed within a six month time period, unless the party submits a written request for an extension of time and is granted that extension. He related that if an advance notice is not provided there is no specific time frame.

Brief discussion followed regarding the possibility of mis-using the process.

Motion was made by Gary Priebe to approve Final Rule--Chapter 12, Environmental Self-Audits. Seconded by Terrance Townsend.

Chairman Ehm commented that during the legislative session there was a lot of concern that the immunity provision would be a license to pollute and he did not see anything about that in the public comments. He asked if that issue has been laid to rest.

Mr. Stokes stated that those concerns rose in terms of whether or not the bill should be passed in the first instance, and since it has passed, that issue has become somewhat of a moot subject. He noted that immunity from enforcement, in terms of a punitive financial penalty, does not excuse one from the need to correct the noncompliance or the violation. Mr. Stokes said staff are working on a guidance manual which would have a copy of the law, a copy of the rule, and some questions and answers type of material.

Vote on Commissioner Priebe's motion carried unanimously.

APPROVED AS PRESENTED

WATER QUALITY STANDARDS - TRIENNIAL REVIEW

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a briefing on potential changes to the state's water quality standards to be considered in the coming year. The federal Clean Water Act requires that at least once every three years states hold public hearings for the purpose of reviewing water quality standards and, as appropriate, modifying and adopting standards. This process is known as the triennial review and the Department has made a commitment to EPA to conduct a triennial review during FFY99. Although the Commission has at various times amended the state's water quality standards over the past eight years, the last time a comprehensive review and revision of the state's water quality standards was conducted was in 1989 and 1990.

The presentation will highlight some of the potential changes to be considered for the triennial review. Some of these changes have been identified by IDNR and EPA staff while others have been suggested by groups such as the Iowa Water Pollution Control Association. The discussion will also include potential impacts of changes being considered insofar as facilities discharging to state waters and resources needed to implement those changes (e.g., calculation of revised effluent limits).

Mr. Stokes briefly discussed the water quality standards and concerns voiced at last month's meeting. He then introduced Jack Riessen, Water Resources Section Supervisor, and related that Mr. Riessen will give an overview of the water quality standards issue as well as address concerns raised at last month's meeting.

Jack Riessen gave a presentation on the Review of Water Quality Based Permitting Program and noted that copies of same were presented to the Commission last month. He stated that there are two reports that take a look at the water quality standards and procedures in Iowa, one is by a consultant hired by IWPCA, and the other was by a Washington, D.C. consultant under contract with EPA. Mr. Riessen noted that the general tenor presented last month can be summed up by one of the statement's in a hand-out at that meeting which read: "The result of current standards being enforced by the DNR is severe economic impact to Iowa's communities." He added that the primary emphasis there was on ammonia. He related that the implication was that a lot of cities are spending a lot of money to remove ammonia when it may not be needed and some of the quoted costs were as follows: City of Cincinnati faces expenses of 1/2 - 1 million dollars; Dyersville expenses of over 1 1/2 million dollars to treat for ammonia; and Creston and Hazelton spending a lot of money to treat for ammonia. He read an excerpt from EPA guidance and mentioned Kansas and Minnesota legislative actions taken. Mr. Riessen noted that the request made to the Commission last month by IWPCA was as follows: 1) within 12 months review the water quality standards and water quality based permitting program; 2) create a technical advisory committee to assist EPC in doing that; and 3) provide a two year grace period or moratorium for facilities facing new or updated effluent limits for ammonia nitrogen. He related

that he will respond to those issues later. He provided information on WQS and the WQS review process as well as the department plans for the next year. He related that the four main components which comprise the existing WQS are: 1) Use Design; 2) Numeric Standards; 3) Narrative Standards; and 4) Antidegradation Policy. Mr. Riessen also discussed the following topics: Effluent Limits for Point Source Discharges; Standards-to-WQBEL's; Effluent Variability; IWPCA Critical Issues - numeric criteria for pollutants, and implementation model for WQBEL's; WQS Review Process (triennial review); Issues Identified to Date; Promulgation/Implementation of new WQS; TMDL Lawsuit against EPA; Impact of Revised WQS on Treatment Requirements and Associated Costs.

Mr. Riessen stated that in regard to the City of Cincinnati they did a mixing zone study and the department typically uses whole assumptions. He related that the department is still in negotiations with them but it looks as if ammonia limits may be eliminated. Mr. Riessen stated that Dyersville had a number of outstanding needs and they were not meeting technology based limits and needed to upgrade their sewage treatment plant. He noted that Creston was in the same type of situation. He reviewed that Hazelton was discharging to a lake which was part of a county park and they wanted to reroute their discharge, and they had some other problems as well. Mr. Riessen stated that the figures provided for these communities are total costs as opposed to incremental ammonia removal costs. He noted that most of these communities had outstanding wastewater needs aside from the ammonia issue and he expanded on those needs/costs. He reviewed that the EPA has issued new guidance relating to the proper calculation of permit limitations. He noted that EPA has never told a state that their standards are too stringent. Mr. Riessen stated that Kansas passed legislation that created a Water Quality Commission to look at water quality issues and their report stated they basically did not have a problem with Kansas existing ammonia limits. They told the staff to keep reviewing the new ammonia guidance put out by EPA. He related that the facilities in Kansas are going to be put on an enforcement schedule to meet the 1994 WQS including ammonia, adding that it is a fairly small population of Kansas that actually will be concerned with ammonia limits. Mr. Riessen noted in regard to the requests from the IWPCA, staff will be conducting a triennial review in the coming year and will consider all suggestions for WQS changes, and will promulgate on the basis of the most important ones. He related that a Technical Advisory Committee would be created to work on the issues and that is pretty much a standard procedure now. He discussed the pros and cons of allowing a two year grace period for facilities facing new or upgraded effluent limits for ammonia. He added that most of these facilities will probably be addressed on a case-by-case basis.

Mr. Stokes stated that while the last comprehensive run through in terms of meeting the test in criteria of what EPA would consider to be a triennial review has been a number of years ago, staff has submitted changes. He related that some of the water quality standards and procedures have changed over the years and have been submitted to EPA, and EPA has not raised any objections to the items staff has identified. He noted that it's not as if the department has been ignoring the issues for six years, adding that appropriate changes have been made. Mr. Stokes gave an example of some of the issues he worked on with an EPA Effluent Guidelines task force. He related there are some significant, technical items that will have to be addressed while moving through this process. Mr. Stokes pointed out that Iowa is not the only state dealing with

the TMDL issue, adding that 40 other states are in the same situation. He stressed that staff are still waiting for a training session on TMDL's, to be provided by EPA. He noted that the 303D list has been completed and submitted to EPA. Mr. Stokes related that the department will continue to work with advisory groups on these issues. He discussed the issue of placing a moratorium on ammonia criteria and potential problems in doing that.

Chairman Ehm asked Tom Neumann if he would like to make any comments.

Tom Neumann

Tom Neumann, Iowa Water Pollution Control Association (IWPCA), stated that he disagrees with some of what has been said by DNR staff, noting that he has a copy of the agreement that Kansas and EPA signed to implement the two year moratorium in Kansas, and was passed by their legislature. He disagreed with Mr. Stokes on the five-year limitation on how long compliance schedules can be, citing the City of Ames permit. He related that the appeals in D.C. overturned what the Regional EPA tried to do in that case. Mr. Neumann related that it is disturbing to him to hear that there are more than 300 water quality based permits in Iowa, and related it is considerably more than any of Iowa's surrounding states. He noted that he is not saying to stop writing permits but it is conceivable that for any new or more stringent criteria that a compliance schedule can be established that says when they are notified of the requirements they have a certain amount of time to do things. He related that it doesn't have to start immediately. He spoke about what happened for more than 15 years in the construction grant program when compliance schedules were being violated routinely while waiting for EPA to give approval of one step before they could go to the next step. Mr. Neumann said he cannot say anything more without having more opportunity to dialogue with staff.

Andrea Fogue

Andrea Fogue, League of Cities, stated that the data specific to the cities of Cincinnati, Dyersville, etc. came directly from those cities. She related that the League also has a data base which they accumulated through a survey to their members and the previously mentioned cities are not the only affected communities, adding they are representative of the data base. She noted that the information provided on those four cities was specifically to address ammonia only. Ms. Fogue stated that in regard to going on a case-by-case basis the problem is that the responsibility goes back on the communities to prove why the ammonia limitations are not necessary for them. She added that in many cases that would involve a stream study which would be very expensive for cities to undertake as they do not have the funds to do that, let alone update the facility.

Mr. Stokes stated that from the presentation there is agreement on the need to review the water quality standards and staff will be doing that over the next 12 months. There is also agreement to work with a wide group of stakeholder involvement and the type of process to be used. He noted that the only issue staff are not prepared to agree with at this point in time is for staff to

administratively declare a moratorium on ammonia standards. He related that staff would work on a case-by-case basis but would not voluntarily step forward and declare a moratorium.

Rozanne King commented that she hears frequently about the need for more staff. She noted that the water quality issue is something that many citizens are concerned about, not only about the water quality, but also about their tax dollar in getting that water quality. She related that there should be a way to expedite this and if it takes a request of the legislature she would like to see some funding to resolve these issues. She added that she is concerned with cities spending that kind of money.

Commissioner Ehm commented that he was surprised to hear Mr. Riessen indicate it would take five years to implement any change that may come along, adding that is something the Commission may need to be ready to address.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Roy E. Hawkins (Jasper County) - solid waste/penalty collection
- b. Ken Frese (Keokuk County) – penalty collection

Mr. Murphy reiterated that the case for Roy E. Hawkins has been settled so there would be no need for referral.

Ken Frese

Mr. Murphy briefed the Commission on the history of this case involving open burning violations and illegal solid waste disposal.

Brief discussion followed.

Motion was made by Rozanne King for referral to the Attorney General. Seconded by Dean McWilliams. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Dean McWilliams discussed soil testing for nitrogen and related that someone should be able to come up with a soil test whereby they could test for nitrogen and he expanded on that issue.

Rita Venner discussed a recent newspaper article about a test study of a number of farms where half of the farms would be limited on their nitrogen application and the others would use their normal amount. She related that it could mean a reduced insurance premium if the project shows good results. The object of the program is to educate farmers to use the proper amount of nitrogen.

Chairman Ehm stated that embarking on the WQS evaluation he would like to have staff put together a schedule on what needs to be accomplished during the one year time frame. He related that if something would need to go to the legislature to get ready for these changes one needs to be prepared.

Dean McWilliams asked about the case involving the lagoon at Harcourt.

Mr. Murphy stated that is the Castenton Contested Case and will be coming before the Commission on appeal.

Further discussion took place on soil testing for nitrogen and the field test kit developed by Alfred Blackmon of ISU.

Discussion followed regarding the issue of staff bringing the Commission an item as Information prior to bring it as a Decision item. Director Wilson stated that practice came about as a result of past Commissioners requesting it so they would have an idea of what was coming to them. He added that it also serves the purpose to alert the public that there will be a Notice of Intended Action coming.

Mr. Stokes commented that, as a matter of practice, EPD has brought items as Information in advance but there has been an occasion when because of a deadline staff asked the Commission to go directly as a Notice of Intended Action.

Director Wilson stated that in the future staff will bring items as Information prior to going as a Notice of Intended Action.

Brief discussion was held on EPA and USDA "Listening Post Meetings" which are being held around the country, one being held in D.M. three weeks ago.

Terrance Townsend asked if the Commission could get a copy of the Kansas and EPA moratorium on water quality issues.

Mr. Stokes stated that he will get a copy of the Memorandum of Understanding as well as get some clarification from Kansas and EPA as to what they think it really means in a practicable application.

NEXT MEETING DATES

January 19, 1999 (Tuesday)

February 15, 1999

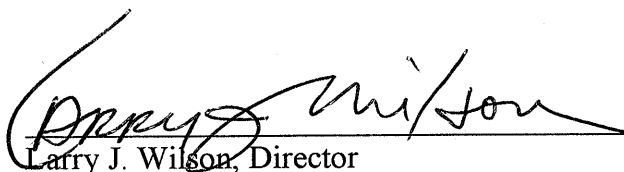
March 15, 1999

Director Wilson reminded the Commission that next month is when they host the legislative reception on Wednesday morning, January 20.


Consensus of the Commission was to begin the meeting at 1:00 p.m. on Tuesday, January 19, 1999. The Legislative Reception would be from 7:30 - 9:00 a.m. on Wednesday.

ADJOURNMENT

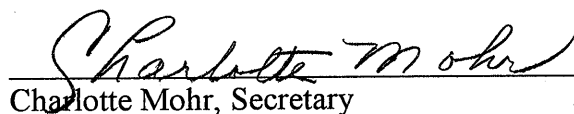
With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:00 p.m., Monday, December 21, 1998.



Larry J. Wilson, Director



William A. Ehm, Chair



Charlotte Mohr, Secretary

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